Confidential Collection No. 28 of 37-38

Year 1937-38
CB. 93-37-65
"B" Jainism 1938

Subject: Action to be taken against
Sri. C. Aswathnarayana Rao
Navajeevan printer for printing
~~for print~~ the pamphlet which
carried objectionable matters.

(4)

CONFIDENTIAL.

Collection No. 2-8[illegible]

Year 1937 —1938.

General and Revenue Secretariat.

CB 93-37-65

B. Jan 1938

Confidential Branch.

SUBJECT .... Action taken by Government of C. Province re Report of Newspapers Enquiry Committee for printing the pamphlet for which entered into agreement with the Press

PREVIOUS REFERENCES.

LATER REFERENCES.

CB 14-37-(8 & 11)

CB 129-37-)

WD 1915—GPB—500—24-2-30

CB 943

Confidential.

In all future communications please quote
No. .....
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

No. C.C.4/37-38

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 24th November 1937

CB. 93-37-65

FROM

H.V. Ramaswami, Esq., M.A.,B.L.,
District Magistrate,
Bangalore District.

DEWAN'S OFFICE
25 NOV. 1937
No. 3414

No 4060

To

B.T. Kesaviengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

SIR,

Subject:—

I have the honour to forward herewith in original letter No. C.C. 150/37-38 dated 14th November 1937 from the Superintendent of Police Bangalore City reporting that copies of the statement given by Messrs K.T. Bhashyam Iyengar and Thimma Reddi in the Court of the City Magistrate are being published in pamphlet form under the caption "ಮೈಸೂರ ಕಾಂಗ್ರೆಸ್!" and that they are being distributed widely. He recommends that action under section 124 A I.P.C. be taken against Mr. C. Aswathanarayana Rao the printer of these pamphlets.

Is this paper at any of the Govt.? If so, this may be stopped.

It seems clearly to amount to a contempt of court on the part of the printer and the members of the Mysore "Congress Board" for publishing the statements in the form in which it has appeared. It is submitted for orders if the printer may not be proceeded against for contempt of Court and these pamphlets proscribed so that they can be seized whereever they are found.

If Mr. Can be done, so much the better. The Court should be asked to do this.

It may not be possible to fix by evidence definitely who the members of the "Congress Board" are.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Bangalore District.

For perusal.

1) The person mentioned in the note is the one who saw the Dewan and made suggestions for a reappointment. The Govt. advocate will be consulted and Hon'ble advised.

Dewan
2nd Member
also may endorse!

MS 25/11

2-6-11-37

MRR 28/11/37

MS 29/11

Serial No.

Send (w) Journal.

As regards the observation of the Dewan against Para 2 of the Publicity Officer will be requested to take necessary action

As regards consulting the Govt Advocate, the papers will if desired be forwarded to him. Publicity Officer's opinion.

Pone
30/11

Under Secy)

Forwarded with compliments to the Government Advocate for favour of opinion and early return of the file

Under Secy to Govt
1-12-37

The pamphlet is beyond doubt an offensive one. Very likely the accused in the case who gave the statement, which is now printed as a pamphlet, would not have made it had he not been an accused at the time and given the statement in that ~~note~~ role which alone earnt him the immunity from prosecution ~~of~~ for sedition.

Send separately assimilated.

Pone
30/11

CARROO
30.11.37

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-8-37

File No. of 193 . | General and Revenue Secretariat

2. The printer, I learn, already suffered imprisonment once for a similar offence and this is his second plunge.

3. The question now is which of the two alternatives may be pursued; proceeding under the Contempt of the Courts Regulation or for an offence under section 124 A of the Indian Penal Code. I have no doubt that the offence comes under both the categories. But I should prefer that he be proceeded against under section 124A of the Indian Penal Code, rather than under the Contempt of the Courts Regulation.

4. Many a time for offences under the Contempt of Courts Regulation, an apology will be accepted and the guilty party let off or even if he be not let off an apology will generally be taken to go a long way towards the mitigiation of the punishment, so much so that sometimes there will be a nominal fine just to vindicate the prestige of the Court, whereas if the prosecution for sedition should be successful adequate punishment will be meted out to an accused of this type who has to be taught a lesson a second time.

5. There is also an additional reason why charging him for sedition is preferable. An offence under the Contempt of Courts Regulation is an offence against the Court. Sedition is an offence against the State. The interest of the

4 9543

the State as a whole is certainly higher than the prestige of the Court which has to be maintained in the interest of State itself and the object of the accused is also more towards exciting contempt for the Government than that of lowering the reputation of the Court and therefore it is but more apposite that that object of the accused should receive greater attention.

6. For all these reasons, I think the suggestion of charging this printer for sedition may be accepted rather than that of proceeding against him under the Contempt of Courts Regulation.

Muddukrishnarao
Nappa.
Government Advocate in Mysore.

2-12-1937.

Chief Secy)

Please bring up.
2/12

Mr Doraiswamy Aiyangar has offered an apology & no action is proposed at present. This may be filed in the C.B.
12-1

5

WD 01173—GPB—20,000—19-11-36

Form No. 24]

MYSORE POLICE DEPARTMENT.

In reply, please quote number, date and short title.

Received..... .....*Registered*.....

From (Name) U.K.Somappa, Esq., B.A.,

(Designation) Superintendent of Police,

Post Box....., (STATION) Bangalore City.

Telegraphic Address.....

To

The District Magistrate,

Bangalore District, Bangalore.

CC *No.* 150/37-38 *dated* 24th Novr. *193*7.

SIR,

ENCLOSURES .....

.....

.....

SPARE COPIES.....

I have the honour to state that a printed manifesto in Kannada purporting to be an appeal to the public of the Mysore State was issued under the names of T.Siddalingiya, Veerakesari Sitarama Sastry and Tagadur Ramachandra Rao. This manifesto was printed in "Makkala Pustaka Press" which is under the control of Mr.C. Aswathanarayana Rao, as shown in the manifesto itself.

This manifesto is an attack on the alleged repressive policy of government and contains highly objectionable matter. The learned City Magistrate has remarked in his order in C.Mis. Case No. 40/37-38 under Section 108 Cr.P.C. against T.Siddalingiya, Veerakesari Sitarama Sastry and Tagadur Ramachandra Rao that the manifesto is prima facie seditious and that the cumulative effect of the language of the manifesto taken in its context is calculated to promote

popular discontent by making the people think that the Government is unjust, high handed and oblivious of its duties and to bring the Government into hatred or contempt.

Mr. C. Aswathanarayana Rao who was examined as a witness in the said case has admitted that 2 or 3 thousand copies of the said manifesto were printed in his press.

The same individual has printed in his press another pamphlet in Kannada under the title "ಸತ್ಯವೇ ಜಯತೇ?" This pamphlet contains the statements of K. T. Bhasyam and N.C.Thimma Reddy filed in the Court under Section 342 Criminal Procedure Code in C.C.Nos. 401 & 403/37-38 These pamphlets are being sold freely at 3 pies per copy and contain highly objectionable matter. The learned City Magistrate has stated as follows in his judgment in the aforesaid cases under Section 124 A.:- "But the statement is in essence much more than this and appears to be actuated by hatred and contempt towards the established Government and disaffection towards it almost amounting to a passion. ..... It will be enough to state that these appear to be a part of regular propaganda which the accused had been carrying against the Government and of which the accused's statement in court is the culmination of point."

A copy of the pamphlet in question is herein enclosed.

Mr.C.Aswathanarayana Rao was present in Court when the judgment was delivered and has printed the pamphlet knowing that it contained seditious matter.

I therefore request that necessary sanction of Government may kindly be obtained to proceed under Section 124 A. I.P.C. against Mr.C.Aswathanarayana Rao, for having printed the two aforementioned pamphlets.

It also seems desirable to prevent these

pamphlets from being distributed any further for the aforementioned reasons. Since there does not appear to be any provision of law to proscribe the objectionable literature analogus to Section 99 (a) Criminal Procedure Code of British India, I request that sanction may be accorded to Mr. K.S. Krishna Murthy, Inspector of Police, "B" Division, under Section 196 (a) Cr.P.C. to investigate into the case arising out of this printing of the seditious pamphlet whereby the investigating officer would be automatically invested with powers of seizure.

I have the honour to be,
Sir,
Your most obedient servant,

Superintendent of Police,
BANGALORE CITY.